REMARKS

Status of Claims in Application. Claims 1, 10, 16, 17, 18, 23 and 26 have been amended. Claims 30-40 have been added to this application. Accordingly, Claims 1-40 are active in this application. Reconsideration is respectfully requested.

Brief Discussion of Invention. Applicants' invention relates to novel gasoline-oxygenate blends suitable for use in automotive engines. The claimed RVP and alcohol specifications in the claimed gasoline-oxygenate blends of Applicants can only be obtained by adjustment of the base fuel composition.

Examiner's Rejection of Claims Over *Jarvis*. The Examiner has rejected Claims 1, 4-10, 13-18 and 21-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,679,117 (*Jarvis*). This ground for rejection is traversed.

While *Jarvis* discloses a "final product" containing ethanol having a vapor pressure of 6 to 8 PSI, the products illustrated in *Jarvis* are *not* pump gasolines having a PSI within the claimed range of Applicants. This is illustrated in the accompanying Declaration of Charles A. Lieder, Ph.D. Under 37 CFR § 1.132. In the Declaration, Dr. Lieder addresses each of the passages in *Jarvis* wherein a RVP range is discussed and concludes that, based on the disclosure of *Jarvis*, the RVP for pump gasolines would be outside of the range claimed by Applicants.

(i.) The minimum RVP of the "final liquid product 60" of column 5 of *Jarvis* containing 53.03 vol. % butane and 42.75 vol. % ethanol, is approximately 37.16. Thus, the "high octane gasoline" prepared by adding 20% by volume of final liquid product 60 to 80 octane gasoline would at best have a RVP of 7.4. While lines 24-28 of column 5 describes the "resulting

mixture" as having a "vapor pressure in the range of 4 to 19 pounds per square inch", the theoretical RVP of the mixture could not be between 4 to 7.4. *See* paragraph 6 of Declaration;

(ii.) The theoretical RVP for the product containing one half of natural gasoline and one half of ethanol, described in lines 65-67 of column 5 of *Jarvis*, would at best be 16.66 PSI. It could not have a "vapor pressure of 1.5 to 8.0 psi" as reported in lines 65-67 of column 6 of *Jarvis*. *See* paragraph 8 of Declaration.

(iii.) It is unclear what "final product" is being referenced in lines 27-28 of column 6 of *Jarvis* wherein it is described that the "final product" is a "pump gasoline" having a "vapor pressure in the range from 6 to 8 psi". In particular, it is unclear as to if this "final product" references final liquid product 60 or a mixture of "final liquid product 60" with a hydrocarbon stream. *Assuming arguendo* that the passage refers to a gasoline-oxygenate blend, it would be outside of the claims of Applicants because such a "final product", if it were to have a minimum RVP of less than 7.2 PSI, could not be characterized as a "pump gasoline" or a blend "suitable for combustion in an automotive engine" as set forth in the claims of Applicants. *See* paragraph 9 of Declaration.

Examiner's Rejection of Claims Over *Paul*. The Examiner has further rejected Claims 1, 4-10, 13-18 and 21-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 65,697,987 ("*Paul*). This ground for rejection is also traversed.

Paul discloses a motor fuel composition containing between about 25 to about 55 percent by volume ethanol (lines 55-57 of column 7). The crux of *Paul* is the use of an alcohol-compatible heterocyclic co-solvent. It is the co-solvent which serves to depress the vapor pressure of the blend. *See* lines 58-62 of column 5 of *Paul*.

The claims of Applicants are not anticipated by *Paul* because:

(a.) the blends of Applicants' Claims 1-9, 17, 26-29 and 42 contain less than or equal to 10 volume percent alcohol;

(b.) the oxygenate stream of Applicants' Claims 10-16 and 23-25 consists essentially of an alcohol;

(c.) the blends of Applicants' Claims 18-22 contain a benzene content greater than 0.27 volume percent (*see* Sample X on page 25);

(d.) the blends of Applicants' Claims 30-33 have an aromatic content greater than 16.76 volume percent (*see* Sample H on page 24);

(e.) the blends of Applicants' Claims 34-37 have an olefins content greater than 1.15 volume percent (*see* Sample Q1 on page 25);

(f.) the blends of Applicants' Claims 38-40 are prepared wherein the alcohol is used to adjust the hydrocarbon base fuel to render a Dry Vapor Pressure Equivalent of no greater than 7.2 PSI.

None of these parameters are disclosed in *Paul*. The rejection, therefore, over *Paul* should not be maintained.

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to issue a Notice of Allowance. The Examiner is invited to telephone the undersigned should it be deemed prudent to expedite examination of this application.

Respectfully submitted,

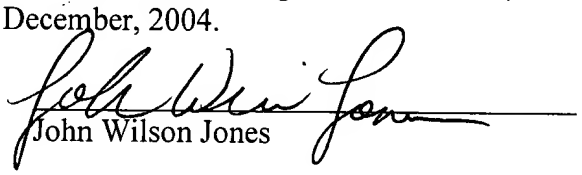
Dated: December 13, 2004

John Wilson Jones
Registration No. 31,380

LOCKE LIDDELL & SAPP LLP
600 Travis, Suite 3400
Houston, Texas 77002-3095
Telephone No.: (713) 226-1142
Facsimile No.: (713) 229-2570

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being mailed to the Assistant Commissioner for Patents, attention to Examiner Cephia D. Toomer, Washington, D.C. 20231, in accordance with 37 C.F.R.§ 1.8(a), on this 13th day of December, 2004.



John Wilson Jones